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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,928	03/31/2004	Admir James Mesalic	MES1.002	5800
39863	7590	02/15/2007	EXAMINER	
SONNABENDLAW 600 PROSPECT AVE BROOKLYN, NY 11215			EDELL, JOSEPH F	
			ART UNIT	PAPER NUMBER
			3636	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/15/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/813,928

Applicant(s)

MESALIC ET AL.

Examiner

Joseph F. Edell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-12, 35, 36 and 39-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-12, 35, 36 and 39-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the distal coupling elements and the proximal coupling elements (Figure 2 shows only a single distal coupling element and single proximal coupling element) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claim 8 and 44 are objected to because of the following informalities:
- a. claim 8, line 9, "said front flap" should read --said front protective portion--;
 - b. claim 8, line 10, "said placement" should read --said protective covering--;\
 - c. claim 44, lines 1-2, "said distal coupling element" should read --said distal coupling elements--;
 - d. claim 44, line 3, "said main placemat area" should read --said main protective portion--;
 - e. claim 44, line 3, "said proximal coupling element" should read --said proximal coupling elements--.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8, 9, 11, 12, 35, 39, 40, 44, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,786,256 B2 to Sugawara in view of U.S. Patent No. 6,508,183 B2 to Kerrigan.

Sugawara discloses a protective covering that is basically the same as that recited in claims 8, 9, 11, 12, 35, 39, and 40 except that the covering lacks a front

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protective portion disposed between two side protective portions, as recited in the claims. See Figures 1 and 6 of Sugawara for the teaching that the protective covering has a main protective portion/main placemat area 3 with top and bottom surfaces of vinyl (column 3, lines 1-5), a front protective portion/front flap (attached piece 5) attached to the main protective portion and *capable* of operatively attaching to a front arm portion of a child's chair and of extending from a table top to the child's chair, and a side protective portion (piece adjacent the front protective portion) attached to and extending from the front protective portion wherein front protective portion has a proximal end adjacent to the main protective portion and a distal end opposite the proximal end, proximal coupling elements 8 on the proximal end of the front protective portion and positioned at a juncture between the main protective portion and the front protective portion's proximal end, distal coupling elements 8 at the distal end of the front protective portion and positioned an edge of the front protective portion's distal end, the proximal and distal coupling elements being *capable* of release coupling of the protective covering to a front arm of a chair by connecting the proximal coupling elements to the distal coupling elements, the side protective portions has left and right sides, at least one of the side protective portions being *capable* of operatively attaching around one side arm portion of the child's chair by operatively connecting the left side of the at least one side protective portion to the right side of the same side protective portion, the coupling elements are ribbon ties/hook-and-loop fasteners, and the side arm portions are orthogonal to the front protective portion. See Figure 10 of Sugawara for the teaching that unused pieces 5 are folded over to attach fasteners 8 thereby

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creating a pocket of the main protective portion, and, therefore, teaching the limitation recited in claim 11. Kerrigan shows a protective covering similar to Sugawara wherein one side of the main protective portion has a front protective portion 3 (see Fig. 11) and two side protective portions (elements both side of element 3) such that the front protective portion is disposed between the two side protective portions.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the protective covering of Sugawara such that the covering has an additional protective portion wherein the additional protective portion forms a second side protective portion with coupling elements on its left and right sides such that the front protective portion is attached to and extends between the two side protective portions (see Diagram A below), such as the protective portion disclosed by Kerrigan. One would have been motivated to make such a modification in view of the suggestion in Kerrigan that the configuration allows for greater storage of dining utensils, napkins, and/or plates, and in view of the knowledge generally available to one of ordinary skill in the art that a table covering with three protective portions will accommodate three users on a single side.

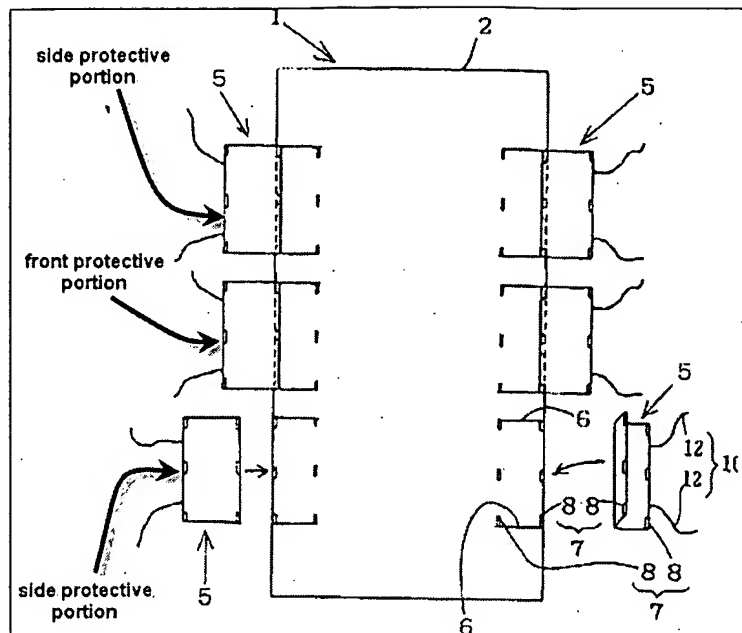


Diagram A - Annotated Figure 6 of Sugawara in view of Kerrigan

5. Claims 10 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugawara in view of Kerrigan as applied to claims 8, 9, 11, 12, 35, 39, and 40 above, and further in view of U.S. Patent No. 4,137,356 to Shoemaker et al.

Sugawara, as modified, disclose a protective covering that is basically the same as that recited in claim 10 and 41 except that the bottom side of the main protective portion lacks a skid restraint portion, as recited in the claims. See Figure 10 of Sugawara for the teaching that the use of skid restraint portions 14 may be included on pieces 5. Shoemaker et al. show a protective covering similar to that of Sugawara wherein the main protective portion (see Fig. 1) has a bottom side with skid restraint portions 17 (see Fig. 4). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the protective covering of Sugawara such that the bottom side of the main protective portion has skid

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resistant portions/material, such as the protective covering disclosed by Shoemaker et al. One would have been motivated to make such a modification in view of the suggestion in Shoemaker that the skid resistant portions on the bottom side of the covering help ensure the covering will not slip or skid.

6. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sugawara in view of Kerrigan.

Although the specified type of coupling element of the two side flaps is not specifically recited, modifying the coupling element would have been obvious at the time of Applicant's invention because the use of preferred materials discovered by routine experimentation is ordinarily within the skill of the art. Further, it would have been an obvious matter of design choice to modify the type of coupling element since the Applicant has not disclosed that having the coupling elements only being hook and loop segments, metal brads, magnets, sticking pads, or buttons solves any stated problem or is for any particular purpose and it appears that the coupling element would perform equally well with an well known type used in the art.

7. Claims 42 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugawara in view of U.S. Patent No. 3,920,870 to Ackerman et al.

Sugawara disclose a protective covering that is basically the same as that recited in claims 42 and 43 except that the top and bottom surfaces lack an intermediate layer and a translucent top surface, as recited in the claim. Ackerman et al. show a protective covering similar to that of Sugwara wherein the protective covering has a top surface 10 (see Fig. 2) that is translucent, a bottom surface 12, and an intermediate layer 14 of

printed fabric. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the protective covering of Sugwara such that the top surface is translucent and the placemat area includes an intermediate layer of printed fabric, such as the protective covering disclosed in Ackerman et al. One would have been motivated to make such a modification in view of the suggestion in Ackerman et al. that the intermediate layer and translucent top surface allows for a decorative placemat with interchangeable intermediate layer.

Response to Arguments

8. Applicant's arguments with respect to claims 8 and 35 and canceled claims 37 and 38 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

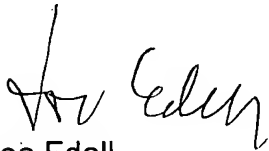
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (571) 272-6858. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joe Edell
February 13, 2007